

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-199

**SANDRA D. KING aka
SANDRA DEBBIE CLARK**
2730 Myrtle Street
Oakland, California 94607

Registered Nurse License No. 455941,

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on FEBRUARY 29, 2008.

It is so ORDERED JANUARY 29, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
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8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007 - 199

13 **SANDRA D. KING aka**
SANDRA DEBBIE CLARK
2730 Myrtle Street
14 Oakland, CA 94607

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Registered License No. 455941,

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to
19 the above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer
22 of the Board of Registered Nursing. She brought this action solely in her official capacity and
23 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
24 California, by Arthur D. Taggart, Supervising Deputy Attorney General.

25 2. Respondent Sandra D. King is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

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1 3. On or about August 31, 1990, the Board of Registered Nursing issued
2 Registered Nurse License No. 455941 to Respondent Sandra D. King. Said license will expire
3 on January 31, 2008, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 2007- 99 was filed before the Board of Registered
6 Nursing, Department of Consumer Affairs, and is currently pending against Respondent. The
7 Accusation and all other statutorily required documents were properly served on Respondent
8 on January 31, 2007. Respondent timely filed her Notice of Defense contesting the
9 Accusation. A copy of Accusation No. 2007-199 is attached as Exhibit A and incorporated
10 herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and
13 allegations in Accusation No. 2007-199 . Respondent has also carefully read, and fully
14 understands the effects of this Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including
16 the right to a hearing on the charges and allegations in the Accusation; the right to be
17 represented by counsel at her own expense; the right to confront and cross-examine the
18 witnesses against her; the right to present evidence and to testify on her own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives
23 up each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. 2007-199 .

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1 9. Respondent agrees that her Registered Nursing License is subject to
2 discipline and she is to be bound by the Board of Registered Nursing imposition of discipline
3 as set forth in the Disciplinary Order below.

4 **CONTINGENCY**

5 10. This stipulation shall be subject to approval by the Board of Registered
6 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of
7 the Board of Registered Nursing may communicate directly with the Board regarding this
8 stipulation and settlement, without notice to or participation by Respondent. By signing the
9 stipulation, Respondent understands and agrees that she may not withdraw her agreement or
10 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the
11 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
12 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
13 inadmissible in any legal action between the parties, and the Board shall not be disqualified
14 from further action by having considered this matter.

15 **OTHER MATTERS**

16 11. The parties understand and agree that facsimile copies of this Stipulated
17 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

19 **DISCIPLINARY ORDER**

20 In consideration of the foregoing admissions and stipulations, the parties agree
21 that the Board may, without further notice or formal proceeding, issue and enter the following
22 Disciplinary Order:

23 IT IS HEREBY ORDERED that Registered Nurse License No.455941 issued
24 to Respondent Sandra D. King is revoked. However, the revocation is stayed and Respondent
25 is placed on probation for (5) years on the following terms and conditions.

26 **Severability Clause.** Each condition of probation contained herein is a
27 separate and distinct condition. If any condition of this Order, or any application thereof, is
28 declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all

1 other applications thereof, shall not be affected. Each condition of this Order shall separately
2 be valid and enforceable to the fullest extent permitted by law.

3 **1. Obey All Laws.** Respondent shall obey all federal, state and local
4 laws. A full and detailed account of any and all violations of law shall be reported by
5 Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit
6 monitoring of compliance with this condition, Respondent shall submit completed fingerprint
7 forms and fingerprint fees within 45 days of the effective date of the decision, unless
8 previously submitted as part of the licensure application process.

9 **Criminal Court Orders:** If Respondent is under criminal court orders,
10 including probation or parole, and the order is violated, this shall be deemed a violation of
11 these probation conditions, and may result in the filing of an accusation and/or petition to
12 revoke probation.

13 **2. Comply with the Board's Probation Program.** Respondent shall
14 fully comply with the conditions of the Probation Program established by the Board and
15 cooperate with representatives of the Board in its monitoring and investigation of the
16 Respondent's compliance with the Board's Probation Program. Respondent shall inform the
17 Board in writing within no more than 15 days of any address change and shall at all times
18 maintain an active, current license status with the Board, including during any period of
19 suspension.

20 Upon successful completion of probation, Respondent's license shall be fully
21 restored.

22 **3. Report in Person.** Respondent, during the period of probation, shall
23 appear in person at interviews/meetings as directed by the Board or its designated
24 representatives.

25 **4. Residency, Practice, or Licensure Outside of State.** Periods of
26 residency or practice as a registered nurse outside of California shall not apply toward a
27 reduction of this probation time period. Respondent's probation is tolled, if and when she
28 resides outside of California. Respondent must provide written notice to the Board within 15

1 days of any change of residency or practice outside the state, and within 30 days prior to re-
2 establishing residency or returning to practice in this state.

3 Respondent shall provide a list of all states and territories where she has ever
4 been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
5 further provide information regarding the status of each license and any changes in such
6 license status during the term of probation. Respondent shall inform the Board if she applies
7 for or obtains a new nursing license during the term of probation.

8 5. **Submit Written Reports.** Respondent, during the period of probation,
9 shall submit or cause to be submitted such written reports/declarations and verification of
10 actions under penalty of perjury, as required by the Board. These reports/declarations shall
11 contain statements relative to Respondent's compliance with all the conditions of the Board's
12 Probation Program. Respondent shall immediately execute all release of information forms as
13 may be required by the Board or its representatives.

14 Respondent shall provide a copy of this Decision to the nursing regulatory
15 agency in every state and territory in which she has a registered nurse license.

16 6. **Function as a Registered Nurse.** Respondent, during the period of
17 probation, shall engage in the practice of registered nursing in California for a minimum of 24
18 hours per week for 6 consecutive months, or as determined by the Board.

19 For purposes of compliance with the section, "engage in the practice of
20 registered nursing" may include, when approved by the Board, volunteer work as a registered
21 nurse, or work in any non-direct patient care position that requires licensure as a registered
22 nurse.

23 The Board may require that advanced practice nurses engage in advanced
24 practice nursing for a minimum of 24 hours per week for 6 consecutive months or as
25 determined by the Board.

26 If Respondent has not complied with this condition during the probationary
27 term, and Respondent has presented sufficient documentation of her good faith efforts to
28 comply with this condition, and if no other conditions have been violated, the Board, in its

1 discretion, may grant an extension of Respondent's probation period up to one year without
2 further hearing in order to comply with this condition. During the one year extension, all
3 original conditions of probation shall apply.

4 **7. Employment Approval and Reporting Requirements.** Respondent
5 shall obtain prior approval from the Board before commencing or continuing any employment,
6 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board
7 all performance evaluations and other employment related reports as a registered nurse upon
8 request of the Board.

9 Respondent shall provide a copy of this Decision to her employer and
10 immediate supervisors prior to commencement of any nursing or other health care related
11 employment.

12 In addition to the above, Respondent shall notify the Board in writing within
13 seventy-two (72) hours after she obtains any nursing or other health care related employment.
14 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
15 terminated or separated, regardless of cause, from any nursing, or other health care related
16 employment with a full explanation of the circumstances surrounding the termination or
17 separation.

18 **8. Supervision.** Respondent shall obtain prior approval from the Board
19 regarding Respondent's level of supervision and/or collaboration before commencing or
20 continuing any employment as a registered nurse, or education and training that includes
21 patient care.

22 Respondent shall practice only under the direct supervision of a registered
23 nurse in good standing (no current discipline) with the Board of Registered Nursing, unless
24 alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse
25 or physician) are approved.

26 Respondent's level of supervision and/or collaboration may include, but is not
27 limited to the following:

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1 (a) Maximum - The individual providing supervision and/or collaboration is
2 present in the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is
4 in the patient care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration
6 has person-to-person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home
8 health care setting, the individual providing supervision and/or collaboration shall have
9 person-to-person communication with Respondent as required by the Board each work day.
10 Respondent shall maintain telephone or other telecommunication contact with the individual
11 providing supervision and/or collaboration as required by the Board during each work day.
12 The individual providing supervision and/or collaboration shall conduct, as required by the
13 Board, periodic, on-site visits to patients' homes visited by Respondent with or without
14 Respondent present.

15 9. **Employment Limitations.** Respondent shall not work for a nurse's
16 registry, in any private duty position as a registered nurse, a temporary nurse placement
17 agency, a traveling nurse, or for an in-house nursing pool.

18 Respondent shall not work for a licensed home health agency as a visiting
19 nurse unless the registered nursing supervision and other protections for home visits have been
20 approved by the Board. Respondent shall not work in any other registered nursing occupation
21 where home visits are required.

22 Respondent shall not work in any health care setting as a supervisor of
23 registered nurses. The Board may additionally restrict Respondent from supervising licensed
24 vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

25 Respondent shall not work as a faculty member in an approved school of
26 nursing or as an instructor in a Board approved continuing education program.

27 Respondent shall work only on a regularly assigned, identified and
28 predetermined worksite(s) and shall not work in a float capacity.

1 If Respondent is working or intends to work in excess of 40 hours per week,
2 the Board may request documentation to determine whether there should be restrictions on the
3 hours of work.

4 10. **Complete a Nursing Course(s).** Respondent, at her own expense,
5 shall enroll and successfully complete a course(s) relevant to the practice of registered nursing
6 no later than six months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of
9 completion for the above required course(s). The Board shall return the original documents to
10 Respondent after photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated
12 with its investigation and enforcement pursuant to Business and Professions Code section
13 125.3 in the amount of Eight Hundred and Sixty-Five dollars (\$865.00). Respondent shall be
14 permitted to pay these costs in a payment plan approved by the Board, with payments to be
15 completed no later than three months prior to the end of the probation term.

16 If Respondent has not complied with this condition during the probationary
17 term, and Respondent has presented sufficient documentation of her good faith efforts to
18 comply with this condition, and if no other conditions have been violated, the Board, in its
19 discretion, may grant an extension of Respondent's probation period up to one year without
20 further hearing in order to comply with this condition. During the one year extension, all
21 original conditions of probation will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of her
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
24 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
25 license.

26 If during the period of probation, an accusation or petition to revoke probation
27 has been filed against Respondent's license or the Attorney General's Office has been
28 requested to prepare an accusation or petition to revoke probation against Respondent's

1 license, the probationary period shall automatically be extended and shall not expire until the
2 accusation or petition has been acted upon by the Board.

3 **13. License Surrender.** During Respondent's term of probation, if she
4 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
5 conditions of probation, Respondent may surrender her license to the Board. The Board
6 reserves the right to evaluate Respondent's request and to exercise its discretion whether to
7 grant the request, or to take any other action deemed appropriate and reasonable under the
8 circumstances, without further hearing. Upon formal acceptance of the tendered license and
9 wall certificate, Respondent will no longer be subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and
11 shall become a part of Respondent's license history with the Board. A registered nurse whose
12 license has been surrendered may petition the Board for reinstatement no sooner than the
13 following minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any
15 reason other than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

17 **14. Physical Examination.** Within 45 days of the effective date of this
18 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
19 physician assistant, who is approved by the Board before the assessment is performed, submit
20 an assessment of the Respondent's physical condition and capability to perform the duties of a
21 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board.
22 If medically determined, a recommended treatment program will be instituted and followed by
23 the Respondent with the physician, nurse practitioner, or physician assistant providing written
24 reports to the Board on forms provided by the Board.

25 If Respondent is determined to be unable to practice safely as a registered
26 nurse, the licensed physician, nurse practitioner, or physician assistant making this
27 determination shall immediately notify the Board and Respondent by telephone, and the Board
28 shall request that the Attorney General's office prepare an accusation or petition to revoke

1 probation. Respondent shall immediately cease practice and shall not resume practice until
2 notified by the Board. During this period of suspension, Respondent shall not engage in any
3 practice for which a license issued by the Board is required until the Board has notified
4 Respondent that a medical determination permits Respondent to resume practice. This period
5 of suspension will not apply to the reduction of this probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within
7 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
8 practice until notified by the Board. This period of suspension will not apply to the reduction
9 of this probationary time period. The Board may waive or postpone this suspension only if
10 significant, documented evidence of mitigation is provided. Such evidence must establish
11 good faith efforts by Respondent to obtain the assessment, and a specific date for compliance
12 must be provided. Only one such waiver or extension may be permitted.

13 **15. Participate in Treatment/Rehabilitation Program for Chemical**
14 **Dependence.** Respondent, at her expense, shall successfully complete during the
15 probationary period or shall have successfully completed prior to commencement of probation
16 a Board-approved treatment/rehabilitation program of at least six months duration. As
17 required, reports shall be submitted by the program on forms provided by the Board. If
18 Respondent has not completed a Board-approved treatment/rehabilitation program prior to
19 commencement of probation, Respondent, within 45 days from the effective date of the
20 decision, shall be enrolled in a program. If a program is not successfully completed within the
21 first nine months of probation, the Board shall consider Respondent in violation of probation.

22 Based on Board recommendation, each week Respondent shall be required to
23 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,
24 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved
25 and directed by the Board. If a nurse support group is not available, an additional 12-step
26 meeting or equivalent shall be added. Respondent shall submit dated and signed
27 documentation confirming such attendance to the Board during the entire period of probation.
28 Respondent shall continue with the recovery plan recommended by the

1 treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing
2 recovery groups.

3 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

4 Respondent shall completely abstain from the possession, injection or consumption by any
5 route of all controlled substances and all psychotropic (mood altering) drugs, including
6 alcohol, except when the same are ordered by a health care professional legally authorized to
7 do so as part of documented medical treatment. Respondent shall have sent to the Board, in
8 writing and within fourteen (14) days, by the prescribing health professional, a report
9 identifying the medication, dosage, the date the medication was prescribed, the Respondent's
10 prognosis, the date the medication will no longer be required, and the effect on the recovery
11 plan, if appropriate.

12 Respondent shall identify for the Board a single physician, nurse practitioner or
13 physician assistant who shall be aware of Respondent's history of substance abuse and will
14 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
15 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or
16 physician assistant shall report to the Board on a quarterly basis Respondent's compliance
17 with this condition. If any substances considered addictive have been prescribed, the report
18 shall identify a program for the time limited use of any such substances.

19 The Board may require the single coordinating physician, nurse practitioner, or
20 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
21 addictive medicine.

22 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
23 participate in a random, biological fluid testing or a drug screening program which the Board
24 approves. The length of time and frequency will be subject to approval by the Board.
25 Respondent is responsible for keeping the Board informed of Respondent's current telephone
26 number at all times. Respondent shall also ensure that messages may be left at the telephone
27 number when she is not available and ensure that reports are submitted directly by the testing
28 agency to the Board, as directed. Any confirmed positive finding shall be reported

1 immediately to the Board by the program and Respondent shall be considered in violation of
2 probation.

3 In addition, Respondent, at any time during the period of probation, shall fully
4 cooperate with the Board or any of its representatives, and shall, when requested, submit to
5 such tests and samples as the Board or its representatives may require for the detection of
6 alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

7 If Respondent has a positive drug screen for any substance not legally
8 authorized and not reported to the coordinating physician, nurse practitioner, or physician
9 assistant, and the Board files a petition to revoke probation or an accusation, the Board may
10 suspend Respondent from practice pending the final decision on the petition to revoke
11 probation or the accusation. This period of suspension will not apply to the reduction of this
12 probationary time period.

13 If Respondent fails to participate in a random, biological fluid testing or drug
14 screening program within the specified time frame, Respondent shall immediately cease
15 practice and shall not resume practice until notified by the Board. After taking into account
16 documented evidence of mitigation, if the Board files a petition to revoke probation or an
17 accusation, the Board may suspend Respondent from practice pending the final decision on
18 the petition to revoke probation or the accusation. This period of suspension will not apply to
19 the reduction of this probationary time period.

20 18. **Mental Health Examination.** Respondent shall, within 45 days of the
21 effective date of this Decision, have a mental health examination including psychological
22 testing as appropriate to determine her capability to perform the duties of a registered nurse.
23 The examination will be performed by a psychiatrist, psychologist or other licensed mental
24 health practitioner approved by the Board. The examining mental health practitioner will
25 submit a written report of that assessment and recommendations to the Board. All costs are
26 the responsibility of Respondent. Recommendations for treatment, therapy or counseling
27 made as a result of the mental health examination will be instituted and followed by
28 Respondent.

1 If Respondent is determined to be unable to practice safely as a registered
2 nurse, the licensed mental health care practitioner making this determination shall
3 immediately notify the Board and Respondent by telephone, and the Board shall request that
4 the Attorney General's office prepare an accusation or petition to revoke probation.
5 Respondent shall immediately cease practice and may not resume practice until notified by the
6 Board. During this period of suspension, Respondent shall not engage in any practice for
7 which a license issued by the Board is required, until the Board has notified Respondent that a
8 mental health determination permits Respondent to resume practice. This period of
9 suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within
11 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
12 practice until notified by the Board. This period of suspension will not apply to the reduction
13 of this probationary time period. The Board may waive or postpone this suspension only if
14 significant, documented evidence of mitigation is provided. Such evidence must establish
15 *good faith efforts by Respondent to obtain the assessment, and a specific date for compliance*
16 must be provided. Only one such waiver or extension may be permitted.

17 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
18 participate in an on-going counseling program until such time as the Board releases her from
19 this requirement and only upon the recommendation of the counselor. Written progress
20 reports from the counselor will be required at various intervals.

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Nursing: _____
DATED: 10-27-07

ENDORSEMENT

DATED: 16/30/07



ARTHUR D. TAGGART
 Supervising Deputy Attorney General
 Attorneys for Complainant

Exhibit A
Accusation No. 2007-199

1 BILL LOCKYER, Attorney General
of the State of California
2 ALFREDO TERRAZAS
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3 ARTHUR D. TAGGART, State Bar No. 83047
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8 Attorneys for Complainant
9

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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13 In the Matter of the Accusation Against:

Case No. 2007-199

14 **SANDRA D. KING aka**
SANDRA DEBBIE CLARK
15 2730 Myrtle Street
Oakland, California 94607
16

ACCUSATION

17 Registered Nurse License No. 455941

18 Respondent.

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:
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PARTIES

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **Registered Nurse License**

25 2. On or about August 31, 1990, the Board of Registered Nursing issued
26 Registered Nurse License Number 455941 ("license") to Sandra Debbie Clark, also known as
27 Sandra D. King ("Respondent"). The license was in full force and effect at all times relevant to
28 the charges brought herein and will expire on January 31, 2008, unless renewed.

JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides, in pertinent part, that the suspension, expiration or forfeiture by operation of law of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof.

6 **COST RECOVERY**

7 8. Code section 125.3 provides, in pertinent part, that the Board may request
8 the administrative law judge to direct a licentiate found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 9. **DRUGS**

12 "Cocaine" is a Schedule II controlled substance as designated by Health and
13 Safety Code section 11055, subdivision (b)(6).

14 "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate also known
15 as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety
16 Code section 11056, subdivision (e)(4), and 500 mg. acetaminophene per tablet.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Criminal Conviction)**

19 10. Respondent is subject to disciplinary action under Code section 2761,
20 subdivision (f), in that on August 31, 2005, in the Superior Court, County of Fresno, California,
21 in the matter entitled *People of the State of California vs. Sandra King* (Super. Ct., Cty of
22 Fresno, 2005, Case No. M05915770-2), Respondent was convicted on her plea of guilty of
23 violating Health and Safety Code section 11550, subdivision (a) (under the influence of a
24 controlled substance), a misdemeanor.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Conviction of a Crime Involving a Controlled Substance)**

27 11. Respondent is subject to disciplinary action under Code section 2761,
28 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
subdivision (c), in that on or about August 31, 2005, Respondent was convicted of a crime
involving a controlled substance, as more particularly set forth in paragraph 10, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Possess a Controlled Substance in**
3 **Violation of Law, and Self-Administration)**

4 12. Respondent is subject to disciplinary action under Code section 2761,
5 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
6 subdivision (a), in that Respondent committed acts, as follows:

7 a. On or about April 25, 2005, Respondent possessed Cocaine and Vicodin,
8 both controlled substances, in violation of Code section 4060.

9 b. On or about April 25, 2005, Respondent self-administered Cocaine and
10 Vicodin, both controlled substances, without a lawful prescription.

11 **PRAYER**


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 455941, issued
15 to Sandra D. King, also known as Sandra Debbie Clarke;

16 2. Ordering Sandra D. King, also known as Sandra Debbie Clarke to pay the
17 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
18 case, pursuant to Code section 125.3; and,

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 11/8/07
21

22 
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
State of California
Complainant